

J. FRANK McCABE (SBN 48246)  
Attorney at Law  
Post Office Box 1759  
Burlingame, California 94011  
Telephone: (650) 343-6268  
Facsimile: (650) 579-1391

Attorney for Defendant  
McCORL GILMORE, JR.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND BRANCH

UNITED STATES OF AMERICA,	)	NO. CR 09-00812 SBA
	)	
Plaintiff,	)	<b>STIPULATION AND ORDER TO</b>
	)	<b>CONTINUE PLEA AND SENTENCING</b>
v.	)	<b><u>TO JULY 20, 2010</u></b>
	)	
McCORL GILMORE, JR.,	)	
	)	
Defendant.	)	
_____	)	

The above-captioned matter is set on June 8, 2010 before this Court for plea and sentencing. The parties request that this Court vacate that date and set this matter on July 20, 2010 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act between the date of this stipulation and July 20, 2010. The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and because the court is considering a proposed plea agreement, pursuant to section 3161(h)(1)(G).

STIPULATION AND ORDER TO CONTINUE PLEA  
AND SENTENCING TO JULY 20, 2010

1           The continuance is required because the probation officer  
2 needs additional time to prepare the presentence report.  
3 Specifically she needs to review Mr. Gilmore's medical records,  
4 which have been subpoenaed but not yet received, prior to completion  
5 of her report.

6 DATED: April 13, 2010.

Respectfully submitted,

7 JOSEPH P. RUSSONIELLO  
8 United States Attorney

9 /s/ Christina McCall  
10 CHRISTINA McCALL  
Assistant United States Attorney

11  
12 /s/ J. Frank McCabe  
13 J. FRANK McCABE  
Counsel for McCORL GILMORE, JR.


14  
15 **ORDER**

16           Based on the reason provided in the stipulation of the  
17 parties above, the Court hereby FINDS that, pursuant to 18 U.S.C.  
18 sections 3161(h)(7)(A), (B)(iv), and (h)(1)(G), an exclusion of time  
19 is warranted under the Speedy Trial Act based on the court's  
20 consideration of the proposed plea agreement, and on the grounds  
21 that the ends of justice are served by taking such action outweigh  
22 the best interest of the public and the defendant in a speedy trial  
23 in order to facilitate the effective preparation of and continuity  
24 of counsel, taking into account the exercise of due diligence. Based  
25 on these findings, IT IS HEREBY ORDERED THAT the matter is continued  
26 until July 20, 2010 at 10:00 a.m., for plea and sentence, and time  
27 is excluded until that date.

28 STIPULATION AND ORDER TO CONTINUE PLEA  
AND SENTENCING TO JULY 20, 2010

IT IS SO ORDERED.

DATED: 4/22/10

  
\_\_\_\_\_  
SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE

STIPULATION AND ORDER TO CONTINUE PLEA  
AND SENTENCING TO JULY 20, 2010